

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.19530 of 2018

ORDER:

A counter affidavit deposited by the Inspector of Police, A.S.Nagar Police Station, Vijayawada City, Krishna District-4th respondent herein is filed. Paragraphs 3 to 6 of the said counter affidavit read as follows:

"3. It is submitted that all the Contentions of the petitioner in the affidavit are not correct, except the facts admitted hereunder. It is submitted that that there is a civil dispute between the petitioner and the 5th respondent herein in respect of the land in question and owing to which both parties have been indulging in frequent altercations against each other. Basing on the complaints of the respective parties, the following (5) cases are registered on the file of the 4th respondent police station, as detailed below:

1) Cr.No. 34/2018, dt. 12.01.2018, u/s. 441, 427, 506 IPC, registered basing on the complaint of one Mekathoti Preethi, the wife of the 5th respondent herein, against one Venkata Ramana, the husband of the petitioner herein & others, including the petitioner herein.

2) Cr.No.114/2018, dt. 02.03.2018, u/s. 107 Cr.PC, registered against both parties and information laid before the Additional District Magistrate, Vijayawada City, i.e. the Commissioner of Police, Vijayawada City, for binding them, which is presently pending vide MC No. 06/2018.

3) Cr.No. 175/2018, dt. 03.04.2018, u/s. 447, 509 IPC, registered basing on the complaint of the petitioner herein, against the 5th respondent herein & others, (including the complainant in Cr.No. 34/2018).

4) Cr.No. 176/2018, 03.04.2018, u/s. 448, 427, 506 IPC, registered basing on the complaint of the wife of the 5th respondent herein, namely; Mekathoti Preethi against the husband of the petitioner herein, namely; Pune Venkata Ramana & others, including the petitioner herein.

5) Cr.No. 188/2018, dt. 13.04.2018, u/s. 145 Cr.PC, registered against both parties and information therein before the Mandal Executive Magistrate, Vijayawada Urban, for taking necessary action thereon. However, the same was withdrawn as 'Not Pressed', on 17.07.2018, in view of the orders IA No.107/2018, in OS No. 152/2018 on the file of the Addl.Jr.Civil Judge Court, Vijayawada.

4. It is submitted that investigation in Cr.Nos. 34/2018, 175/2018 & 176/2018 is in progress. While things stood thus, the petitioner herein filed the present writ petition against the respondent police authorities, alleging not taking action and non-conduct of investigation in Cr.No.175/2018, which are totally false, baseless and concocted only for filing this writ petition and the same are hereby specifically denied.

5. It is submitted that during the course of investigation in C - No. 175/2018, the investigating officer has so far examined (8) witnesses and recorded their statements, the petitioner has made a representation dt.18.05.2018, stating therein about the pendency of the suit in OS No.152/18 and orders passed therein in IA No. 107/18, alleging violation of the orders on other side. The said complaint/representation was entered in the General Diary of the police station on 19.05.2018 and enquired into thereon, wherein it is disclosed that the issue relates to the civil in nature, apart from that basing on similar allegations of the petitioner in complaint dt. 03.04.2018, (Cr.No. 175/2018 dt. 03.04.2018, u/s. 447,509 IPC was registered, which is pending investigation. Accordingly, the same was informed to the petitioner on 15.06.2018.

6. In view of the facts and stated explained supra, there is no action on the part of the respondent police authorities, as alleged in the writ petition. Therefore, all the allegations of the petitioner made against the respondent police authorities are totally, false, baseless and concocted only for the sake of filing this writ petition and the same are hereby specifically denied.”

2. Having regard to the contents in the above said paragraphs of the counter affidavit and keeping in view the submissions of the learned counsel for the petitioner and the learned Government Pleader, this Court

deems it appropriate to dispose of the writ petition with a direction to the respondents to complete the investigation in Cr.No.175 of 2018 as expeditiously as possible and file final report before the competent Court.

3. Accordingly, the writ petition is disposed of. As a sequel, miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date:10.12.2018
grk





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